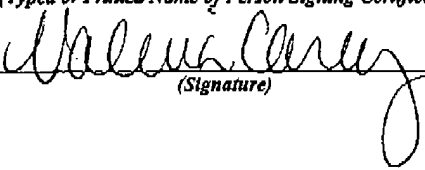
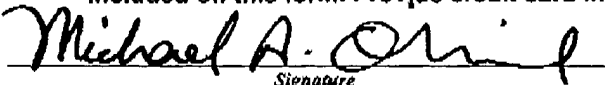


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|---|------------------------|------------------------------|----------------------------------|
| CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) | | | Docket No. 700250-1002 |
| Applicant(s): Christian John Greenfield | | | |
| Application No. 10/788,713 | Filing Date 2/27/04 | Examiner Manuel A. Mendez | Group Art Unit 3763 |
| Invention: SYRINGE FOR SEQUENTIAL DELIVERY OF DIFFERENT FLUIDS | | | |
| RECEIVED CENTRAL FAX CENTER JAN 10 2005 | | | |
| I hereby certify that this _____ Response _____ (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>1-703-872-9306</u>) on <u>1-10-05</u> (Date) | | | |
| Valeria Carey (Typed or Printed Name of Person Signing Certificate)  (Signature) | | | |
| Note: Each paper must have its own certificate of mailing. | | | |

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|--|-------------------------------------|-------------------------------------|---|-------------------------------|----------------------------------|--|
| AMENDMENT TRANSMITTAL LETTER (Small Entity) | | | | | Docket No. 700250-1002 | |
| Applicant(s): Christian John Greenfield | | | | | | |
| Application No. 10/788,713 | Filing Date Feb. 27, 2004 | Examiner Manuel A. Mendez | Customer No. 000038406 | Group Art Unit 3763 | Confirmation No. 6770 | |
| Invention: SYRINGE FOR SEQUENTIAL DELIVERY OF DIFFERENT FLUIDS | | | | | | |
| <u>COMMISSIONER FOR PATENTS:</u> | | | | | | |
| Transmitted herewith is an amendment in the above-identified application. | | | | | | |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 | | | | | | |
| The fee has been calculated and is transmitted as shown below. | | | | | | |
| CLAIMS AS AMENDED | | | | | | |
| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST # PREV. PAID FOR | NUMBER EXTRA CLAIMS PRESENT | RATE | ADDITIONAL FEE | |
| TOTAL CLAIMS | 35 - | 35 = | 0 | x \$25.00 | \$0.00 | |
| INDEP. CLAIMS | 5 - | 5 = | 0 | x \$100.00 | \$0.00 | |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | \$0.00 | |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT | | | | | \$0.00 | |
| <input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0856 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | | | | |
|  Signature Michael A. O'Neil, Reg. No. 23,007 Michael A. O'Neil, P.C. 5949 Sherry Lane Suite 820 Dallas, TX 75225 (214) 739-0088 (214) 739-8284 (fax) mike@oneilplaw.com | | | Dated: January 10, 2005 <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ (Date) _____ Signature of Person Mailing Correspondence _____ Typed or Printed Name of Person Mailing Correspondence </div> | | | |
| cc: Client | | | | | | |

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JAN 10 2005

700250-1002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Christian John Greenfield
Serial No.: 10/788,713
Filing Date: February 27, 2004
Group No.: 3763
Examiner: Manuel A. Mendez
For: SYRINGE FOR SEQUENTIAL DELIVERY OF DIFFERENT FLUIDS

Mail Stop: Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

The above-identified application has been carefully reconsidered in view of the Office Action mailed December 10, 2004. Early and favorable reconsideration and allowance of the application as now presented are respectfully requested.

It is respectfully submitted that the only substantive paragraph of the Office Action mailed December 10, 2004 comprises the first paragraph thereof. In the first paragraph of the Office Action the Examiner requests Applicant to provide the location and specification of the definitions of the means plus function terms of the claims of the application.

The requirement of the Examiner as set forth in the December 10, 2004 Office Action is respectfully traversed. In more than forty (40) years of practice the undersigned attorney for Applicant has never heretofore received such a request, and it is respectfully submitted that such a

request is improper. It is further respectfully submitted that the construction and operation of Applicant's device is fully set forth in Applicant's specification which is only eight (8) pages long. Moreover, the components of Applicant's invention which correspond to the terms of the means plus function claims of the application are readily apparent by reference to the drawings of the application. Nevertheless, in order that the progress of the application might be advanced, Applicant will attempt to respond to the Examiner's request.

Applicant assumes that the Examiner's request is directed to the independent claims of the application. This is because the meaning of the means plus function terms comprising the dependent claims is considered to be readily apparent.

Referring to claim 1, the only means plus function clause therein comprises the final element of the claim. Applicant submits that the "means for connecting the second fluid to be administered in fluid communication with the syringe after all of the first fluid to be administered has been discharged therethrough" comprises either the piercing needle 50 of the first embodiment of the invention which is described in the specification at page 11, lines 8, *et seq.*, or the valve 84 of the second embodiment of the invention which is defined at page 14, lines 18, *et seq.*, or structures equivalent thereto.

Referring to claim 8, the "means forming a fluid tight seal with the interior of the syringe body which divides the syringe body into a first portion for receiving a first fluid to be administered and a second portion for receiving a second fluid to be administered" comprises either the floating piston 40 of the first embodiment of the invention which is described on page 10, lines 21 *et seq.*, or the floating piston 80 of the second embodiment of the invention which is defined on page 14, lines 12, *et seq.*, or structures equivalent thereto.

Applicant respectfully submits that the means plus function terms comprising the last element of claim 8 have been fully discussed above in connection with claim 1.

Referring to claim 16, the only means plus function terminology contained therein is set forth in the last element of the claim. The valve means referred to therein is the valve 84 of the second embodiment of the invention which is defined on page 14 at lines 18, *et seq.*, or structures equivalent thereto.

Referring to claim 26, it is respectfully submitted that the "resilient means forming a fluid tight seal..." comprising the first element of the claim has already been identified above in connection with claim 8. It is respectfully submitted that the "valve means..." comprising the second element of the claim has already been defined above in connection with claim 16.

In conclusion, it is respectfully submitted that the foregoing discussion comprises a full and complete response to the Office Action mailed December 10, 2004. Should the Examiner have any further questions in this regard, the courtesy of a telephone interview is requested. The Examiner may contact the undersigned attorney for Applicant at (214) 739-0088.

Respectfully submitted,

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700250-1002 response to oa dd 12-10-04.wpd